

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT NYANYA- ABUJA

THIS MONDAY THE 25TH DAY OF NOVEMBER, 2024

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CR/941/2024

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA.....COMPLAINANT

AND

BENJAMIN FAVOUR BOBOO OJONUGUA..... DEFENDANT

ARRAIGNMENT

Defence present in court offence cheating by personation section 321 and punishable under section 324 of the same law.

Appearance: Maryam Aminu Ahmed for the prosecution.

Defence G.J. Akot for the defending.

Prosecution: the matter is stated for arraignment on a charge dated 21/10/24 and forfeited or the 12/11/24 has been served on the defendant.

We apply that the charge be read to the defendant.

Court: clerk read the charge to the hearing of the defendant.

Court: the charge is read and explained to the

Defendant. The defendant is called upon to reply to the one count charge

Defendant yes I do

Court: defendant are you guilty or not guilty

Defendant I am guilty

Prosecution: in view of the plea of the defendant urge the court to convict the said defendant.

CONVICTION

I am satisfied that the defendant having understood the content of the charge read and explained to him and admitted same knowing fully well the consequences of it's admission this court will accept the plea of guilt made by the said defendant and convict the said defendant for the offence of cheating by personation, the offence punishable under section 324 of the penal code law and triable by this court.

Prosecution: following the investigation carried out by the commission, a Toyota Camry car Black colour with Reg. No. SUL/895/2010 has been recovered from the convict and an iPhone 14 Pro Max was also recovered from the convict.

The convict used the said money he benefitted in purchasing the said items.

We Urge the court to make an order that the items be sold by the EFCC and the money realized be paid to the proceeds account of the FGN through the EFC.

And further urge the court to sentence the convict accordingly

ALLOCUTUS: that he is asking court for forgiveness and temper justice with mercy.

Defence Addendum: in sentencing the convict plead to the convict to temper justice with mercy as the convict is a first time offender and the convict is truly remorseful.

That in sentencing the convict pleads that the court should consider the option of fine. That the convict is from the same place with him.

SENTENCE

The defendant was convicted for the offence of cheating by personation, the offence punishable under section 324 of the Penal code Law.

The brief facts of the case is that the defendant in February, 2024 falsely represented himself as Easton Cabin a renowned Musician via his TikTok profile and in that assumed form and character obtained the sum of N1,500,000 (One Million Five Hundred thousand Naira) from one Linda Perry through card.

The defendant who plead guilty to charge and in the point of allocutus pleaded to the court to forgive and the court to temper justice with mercy.

The defence counsel on his part pleaded to the court that while sentencing the convict the court should temper justice and that the convict is a first time offender and is truly remorseful and that the court in sentencing the convict is to consider the option of fine.

The prosecution officer in his statement before the court informed the court in the course of investigation that the EFCC recovered the following:

1. Toyota Camry Black in colour with No SUL/891/BY 2010 and iPhone 14 Pro Max and pray the court to make an order for the properties ceased to be sold and whatever is realized to be deposited into the FCT consolidated account through the office of the EFCC.

I have carefully listened to the plea of allocutus made by the convict and the addendum made by the defence counsel, before I proceed to sentence the said convict I have this to say.

The frequency of cybercrime is too alarming portraying a bad image to our dear country and this court will not deter from sentencing the convict, as the act of the convict is so disrespectful not minding his sick mother in the village and other siblings and in the haste to ride a new car and have an expensive phone has landed him where he is now i.e. court.

In view of the foregoing the convict is hereby sentenced to one year imprisonment, or pay the fine of N100, 000.00. In addition since the items claimed gotten from the criminal were bought through the said money, hence I order the EFCC under part V section 29 of the EFCC Act, that the said item i.e. Toyota car,

iPhone 14 Pro Max recovered from the convict be reposed of through sale and the proceeds thereof shall be paid into the consolidated recovery fund of the FGJ through the EFCC.

This is my ruling.

.....

Hon. Justice A. Y. Shafa

